

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff(s),

vs.

Case No. 07-20411

HON. GEORGE CARAM STEEH

D-5 ERNEST TYRONE HAYES,

Defendant(s).

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**ORDER DENYING MOTION FOR MODIFICATION OF SENTENCE**

On November 28, 2011 the defendant filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2). He previously had filed a Notice of Appeal on October 3, 2011 which is pending before the Sixth Circuit Court of Appeals. Jurisdiction has transferred to the Court of Appeals, therefore,

**IT IS ORDERED** that the defendant's motion is denied without prejudice.

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

Dated: January 9, 2012

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record and Ernest Tyrone Hayes, #42179-039, P.O. Box 1000, Whitdeer, PA 17887 on January 9, 2012, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
Case Manager/Deputy Clerk